

**iic Container Line Ltd Vs. Trans Asian Shipping Services (P) Ltd**

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**SooperKanoon Citation :** [sooperkanoon.com/1157430](http://sooperkanoon.com/1157430)

**Court :** Kolkata

**Decided On :** Jul-21-2014

**Judge :** Banerjee

**Appellant :** iic Container Line Ltd

**Respondent :** Trans Asian Shipping Services (P) Ltd

**Judgement :**

ORDER

SHEET ACO1242014 APOT3592014 CP1502014 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE IIC CONTAINER LINE LTD Versus TRANS ASIAN SHIPPING SERVICES (P) LTD BEFORE: The Hon'ble MR.JUSTICE BANERJEE, ACTING CHIEF JUSTICE The Hon'ble JUSTICE ARIJIT BANERJEE Date : 21st July, 2014.

Mr.Ramesh Kumar Chowdhury, Advocate Mr.Protyush Chatterjee, Advocate for the appellant.

Ms.Manju Bhuteria, Advocate Ms.Arpita Saha, Advocate Ms.Atasi Sarkar, Advocate for the respondent.

The Court : This appeal would arise out of an order of the winding-up petition.

From the order it appears the same was passed almost on concession.

Now, after the change of lawyer, the company has preferred an appeal.

Mr.Ramesh Kumar Chowdhury, learned Counsel appearing for the appellant would contend, substantial part of the claim is barred by laws of limitation.

On the letter of indemnity he would submit, when the claim was barred by laws of limitation, question of indemnity would not arise.

In any event, the letter did not speak of any indemnity to pay off the amount.

Ms.Manju Bhuteria, learned Counsel appearing for the respondent, would inform this Court, Mr.Chowdhury was not there before the learned single Judge when the order was passed upon concession being made by the learned Counsel appearing for the company and after hearing him adjournment was granted to enable him to take instruction and inform the Court accordingly.

Therefore, when the order was passed, the learned Counsel expressed his desire to pay off the dues.

The appeal would be heard.

Since the respondent is represented by the learned Counsel, service of notice of appeal upon the said respondent is dispensed with.

All formalities are dispensed with.

The appellant is directed to file requisite number of informal paper books incorporating all the papers and documents used before the learned single Judge within four weeks from date.

As soon as paper book is filed, place it for hearing.

In default, place it for final order.

The appellant is directed to deposit the entire sum with the Registrar, Original Side, within a period of one month from date.

In case the sum is deposited, the Registrar would keep invest the same in a suitable interest bearing fixed deposit in any nationalised bank of their choice and would keep the same renewed from time to time subject to the result of the appeal.

In case money is not deposited within the time aforesaid, this order would stand recalled and the appeal would stand dismissed.

The application is disposed of without any order as to costs.

(BANERJEE, ACJ.) (ARIJIT BANERJEE, J.) sd/

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